IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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(1) CIVIL WRIT No. 161 of 2006

PURNA RAM & ANR.
V/S
STATE & ORS.

(2) CIVIL WRIT No. 3963 of 2005

HARI SINGH & ORS.
V/S
STATE & ORS.

(3) CIVIL WRIT No. 3153 of 2006

HARNAM
V/S
STATE

(4) CIVIL WRIT No. 3154 of 2006

ANOOPA RAM
V/S
STATE

(5) CIVIL WRIT No. 4645 of 2006

LR'S OF MITHE KHAN
V/S
STATE & ORS.

(6) CIVIL WRIT No. 4646 of 2006

DEVI SINGH
V/S
STATE & ORS.

(7) CIVIL WRIT No. 2708 of 2006

HUSSAIN KHAN
V/S
STATE & ORS

(8) CIVIL WRIT No. 3225 of 2006

JASVINDER KAUR & ANR.
V/S
STATE & ORS.

(9) CIVIL WRIT No. 3962 of 2005

PRATAP SINGH & ORS
V/S
STATE & ORS

(10) CIVIL WRIT No. 4428 of 2006

MST.JETTO
V/S
STATE & ORS.

(11) CIVIL WRIT No. 4429 of 2006

BILLU KHAN
V/S
STATE & ORS.

(12) CIVIL WRIT No. 4430 of 2006

JASVEER SINGH
V/S
STATE & ORS.

(13) CIVIL WRIT No. 4431 of 2006

SAHI RAM
V/S
STATE & ORS.

(14) CIVIL WRIT No. 4432 of 2006

SAHI RAM & ANR.
V/S
STATE & ORS.

Mr. AK SINGH, for the appellant / petitioner

Mr. NM LODHA, AAG, Mrs. RR KANWAR, for the respondent

Date of Order : 27.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

All these matters come up for consideration of stay petition. However, with the consent of learned counsel for the parties, all these matters are being finally disposed.

The case of the petitioners is that they were sanctioned installation of siphons for irrigating their lands. These sanctions were given way-back in the year 1991, or around that year. However, now after 14 years, abruptly, by the impugned orders, they have been directed to remove the siphon, and thereby to stop the irrigation. According to the petitioners, in view of the sanction of siphon, they have commissioned the siphon, and have been irrigating the land, and for developing the lands, they have obtained financial assistance from the banks as well. In that view of the matter, sudden and abrupt removal of siphon is wholly unwarranted, and works grave hardship to the petitioners.

On the other hand, the stand of the respondents is that of course, siphons were sanctioned, but then that was only a temporary sanction, till the land is otherwise provided irrigation facility, apart from the fact that the number of siphons, and size of the pipes were also sanctioned, but then taking advantage of the mere fact of sanction, various farmers have commissioned more than the sanctioned number of siphons, and have installed pipes of the size, far beyond the one sanctioned, and therefore, that virtually amounts to committing theft of the water illegally, and therefore, the impugned orders have been passed.

Considering the totality of circumstances, I think it appropriate to direct that the petitioners may appear before the local Executive Engineer, and satisfy him individually, about the size of the pipe, and number of siphons sanctioned, and after so satisfying, the concerned cultivator shall be provided the irrigation facility, to the extent, originally sanctioned, till the otherwise irrigation facility is provided by the respondent. It is also made clear that in case, the Executive Engineer finds that in view of the subsequent events, like providing of otherwise irrigation facility by the canal, the subsistence

of siphon is not required, in that event, the siphon will not be sanctioned.

All these writ petitions are accordingly, disposed of. The petitioners may appear before the Executive Engineer on 19th of March 2007, and the Executive Engineer shall decide the matter most expeditiously, preferably within a period of ten days thereafter.

However, it is further directed that in case during this interregnum period, any cultivator has a turn of irrigation, then in that event, three days before that date, the concerned cultivator shall approach the Executive Engineer, and the Executive Engineer will decide his request immediately, on the above lines.

This order disposes of all these writ petitions. The parties shall bear their own costs.

(N P GUPTA),J.

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